



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/251,149	02/17/99	OWEIS	S A7398

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IM22/1205

EXAMINER

MAPLES, J

ART UNIT	PAPER NUMBER
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1745

13

DATE MAILED:

12/05/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/25/149

Applicant(s)

OWEIS ET AL

Examiner

JOHN S MAPLES

Group Art Unit

1745

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 11/17/00
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 26-40 ~~is/are~~ pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 28-30 ~~is/are~~ allowed.
- ☒ Claim(s) 26, 27, 32-40 ~~is/are~~ rejected.
- ☒ Claim(s) 31 ~~is/are~~ objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

Art Unit: 1745

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 26, 27, 32-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Cailley. (New Rejection with regard to claims 33, 34, 37, 39, 40)

See Figures 1, 3 and 4 of Cailley along with columns 3 and 4 of the same.

Applicant's arguments have all been considered but are not deemed persuasive.

Applicant argues that the tab connection portion extends over the entire end of the electrode stack in Cailley. The examiner respectfully disagrees. Viewing Figure 1 of Cailley, it is noted that the entire left side from top to bottom of the electrode stack is not covered by the tab portion. The same is true for Figure 4 of Cailley.

Applicant has argued that the examiner stated that the entire left side of Figure 1 meets the claimed subject matter. The examiner referenced the left side only for ease of understanding. The applicant is correct in that the claim only recites the end of the cell

Art Unit: 1745

not being fully covered. However, with reference to Figure 1 of Cailley, that portion of the end of the stack to the left of the leftmost extended electrode portion shows that this portion of the end is not covered. Thus the claimed subject matter regarding the entire end of the cell stack not covered is taught by Cailley. Figure 4 of Cailley discloses a similar view of a stack where the leftmost end is not covered by the electrode.

Applicant argues that Figure 3 shows the entire end covered by the electrode. This may be true for the uppermost end of the electrode, i.e, the ends of the electrode that extend away from the end of the stack. However the claim recites covering the end of the stack. The end of the stack is not completely covered by the extending ends of the electrode as seen in Figures 1 and 4 outlined in the previous paragraphs and thus the claimed subject matter is met by the disclosure in Cailley.

A further argument by applicant is that Cailley does not teach folding a portion of the electrode between a pair of slits as claim 33 recites. With reference to Figure 3 of Cailley, the drawing shows the folded portions that, when folded, extend between a pair of slits. The slits are the portions of the electrode cut so that the same can be folded. By this disclosure of Cailley, claim 33 is anticipated.

Claim 38 recites that the tab portion does not extend over the entire periphery of the stack. For the reasons presented in the previous paragraphs, the patent to Cailley meets the claimed recitation.

Art Unit: 1745

3. Claims 26, 32, 35, 36 and 38 are rejected under 35 U.S.C. 102(a) and (e) as being anticipated by Suzuki et al. (Suzuki)

Reference is made to Figures 4 and 5 of the patent to Suzuki along with the corresponding text.

Turning now to applicant's arguments relating to Suzuki, applicant argues that Suzuki teaches a battery where the tab connection portion extends over the entire one end of the electrode stack. Figures 4 and 5 of Suzuki shows a stack. As outlined in the previous section regarding the reference to Cailley, the entire left side and right side of the stack in both Figures 4 and 5 as well as the end portions are a part of the stack not covered by the tab connection portion. Thus the entire end of the stack is not covered by the tab portion shown by Suzuki including the periphery part of the said stack.

With regard to applicant's arguments relating to claim 38, the above paragraph includes arguments why Suzuki is applicable to the claimed subject matter.

4. All claims are drawn to the same invention claimed in the parent application prior to the filing of this Continued Prosecution Application under 37 CFR 1.53(d) and could have been finally rejected on the grounds and art of record in the next Office action.

Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing under 37 CFR 1.53(d). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 1745

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John S. Maples whose telephone number is (703) 308-1795. The examiner can normally be reached on Monday-Friday from 6:30 to 4:00. The examiner can also be reached on alternate Wednesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's temporary supervisor, Carol Chaney, can be reached on (703) 305-3777. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3599.

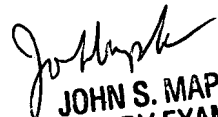
Application/Control Number: 09/251,149

Page 6

Art Unit: 1745

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

JSM/December 4, 2000


JOHN S. MAPLES
PRIMARY EXAMINER
GROUP 1745